THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.7435 of 2007

Between:

Thagarapu Rajamani and another.

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PETITIONERS

and

The State of A.P., and others.

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RESPONDENTS

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ORDER:

It is the case of the 1st petitioner that the land to an extent of Ac.2-44 cents in Sy.No.305/2 of Chevutur village, G.Konduru Mandal, Krishna District, originally belonged to one D.Nanaiah and his wife and they sold the same in favour of the 1st petitioner vide unregistered agreement of sale, dated 03-10-1984 for a sum of Rs.3,750/- and the 1st petitioner was inducted into possession thereof on 03-10-1984 and since then she is in possession and enjoyment of the same.

It is the case of the 2nd petitioner that her husband Atchaiah was granted assignment for Ac.1-00 cents in Sy.No.305/2A vide order, dated 29-07-1973 issued by the then Tahsildar of Vijayawada in proceedings ROC.No.B2.SR.10/73. After demise of her husband, the 2nd petitioner has been cultivating the said land and eking out livelihood. Both the petitioners are scheduled caste persons and landless poor agricultural labourers. They do not have any other land except the aforesaid land. While so, the District Collector, Krishna District, along with the 3rd respondent and staff inspected the said lands on 06-02-2007, so as to distribute the said lands to the house less poor persons under Indiramma ideal village scheme. It is stated that the 1st petitioner applied for certified copies of Adangal, but the 3rd respondent refused to issue the same vide endorsement, dated 23-03-2007, alleging that the entire land of Ac.5-44 cents in Sy.No.305/2 of Chevuturu village is within the water body of Akkamma Kunta and the said land was recorded as a Government land and, therefore, the petitioners are not entitled for any copy of Adangal. It is stated that the said lands belong to them and even according to the endorsement of the Tahsildhar, dated 23-03-2007, if the said land is water body, the same cannot be distributed to the houseless

poor persons. Further, the petitioners cannot be dispossessed from the land in question without following the due procedure prescribed under law.

A perusal of the proceedings of the then Tahsildhar, Vijayawada, dated 29-07-1973 goes to show that an extent of Ac.1-00 gts in Sy.No.305/2A of Chevutur village provisionally allotted in favour of the husband of the 2nd petitioner subject to the conditions laid down in D-form patta to be issued to him, after observing usual formalities. But, the petitioners have not filed any material before this court as to whether D-form patta has been granted in favour of the husband of the 2nd petitioner or not. In fact, the petitioners have not filed any revenue records stating they are in possession and enjoyment of the said lands. The petitioners have also not made any representation before concerned Authority. Further, there is no material whatsoever in proof of the said allegations that the said land alone is going to be allotted to the houseless poor persons. Even, the paper notification does not go to show that the land in occupation of the scheduled castes, which is in their cultivation for quite a long time, is only going to be distributed towards house site. Therefore, I am of the opinion that without there being any representation, the Writ of Mandamus cannot be issued as claimed by the petitioners.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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12-04-2007

Prv